GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Water Resources Department - Suits- High Court – WP No.90/2014 filed by the Department against the orders of APAT dt:27.2.2013 in OA No.2070/2011 filed by Sri D. Ramadas, Spl. Grade Wireless Operator (Retd) for payment of arrears of pay with retrospective effect – Permission Accorded – Orders issued.

WATER RESOURCES (Ser.IV) DEPARTMENT

G.O.RT.No. 621 Dated: 05-09-2018.

Read the following:

1.	Proceedings of the Executive Engineer, C&B Division No.AB/EC2/E10(8)/1557, dated 6.2.2004.
2.	Orders of Hon'ble A.P.Administrative Tribunal dated: 27.02.2013 in OA No.2070/2011
3.	Judgement of Hon'ble High Court of A.P. dated: 6.2.2018 in WP No.90/2014.
4.	From the Chief Engineer, Kurnool, Lr.No.CEICD32-AWOSER(WC)/26/2018-EST-KNL/Supdt/EC3/Dt.05.05.2018.
5.	From the Chief Engineer & DWRO, Kurnool Lr No.CE ICD32-AW0CC(CC)/85/ 2018-EST-KNL/EC3/C/26, Dated: 23.07.2018

Order:

Sri D. Ramdas was worked as Wireless Operator (SPP-II), NSRSS Srisailam Dam and retired on 07.06.1997. While he was working as such, after completion of (22) years of service, the Superintending Engineer, Dam Maintenance Circle, NSRS Srisailam Project, Srisailam Dam East, Kurnool in his Proceedings dated 24.11.1995 has appointed him to the post of SPP-II with effect from 24.11.1991.

2. Subsequently, the Executive Engineer, C&B Division, NSRSS Project, Srisailam Dam East, Kurnool has issued amendment to the above said Proceedings stating that in view of the G.O.Ms.No.162, dated 28.10.1997 fixation of pay of the applicant to SPP-II post is only with prospective effect i.e., from the date of issuance of G.O. viz. 28.10.1997 and since the applicant retired from service on 7.6.1997 he will not be entitled for arrears of pay and allowances.

3. Aggrieved by the above, Sri D. Ramdas has filed O.A.No.2070/2011. The Honourable Tribunal in its orders 2nd read above while observing that the G.O.Ms.No.162 dated 28.10.1997 talks about fixation of pay with prospective effect i.e., from the date of issuance of G.O. and in the instant case, the applicant has taken voluntary retirement on 7.6.1997 i.e., prior to issuance of the said G.O. and therefore this G.O.is not applicable to this case and therefore while disposing of the O.A. has directed the respondents to represent the arrears bill and claim the bill and make payment to the applicant within a period of four weeks from the date of receipt of the copy of this order.

4. Against the said orders of the Hon'ble Tribunal, the Department has filed WP No.90/2014 in Hon'ble High Court, of A.P. In its Judgement 3rd read above, the Hon'ble High Court have dismissed the WP No.90/2014.

5. In the meanwhile, Sri D. Ramdas has also filed C.C.No. 1292/2018 in WP No.90/2014, dated: 11.06.2018. The Hon'ble High Court while closing the C.C.No.1292/2018 has directed the respondents to comply with the orders dated. 27.2.2013 passed in O/.A.No.2070/2011 by Hon'ble Tribunal within six weeks from the date of receipt of copy of this order.

6. In his letter 5th read above, the Chief Engineer, Kurnool has reported that the financial commitment towards payment of arrears of pay and allowances in this case for the period from 01.07.1986 to 07.06.1997 is calculated & arrived as Rs.19,108/- (Rupees nineteen thousand one hundred and eight only) and therefore requested the Government to communicate necessary instructions in the matter and in order to comply to the Hon'ble High Court orders in C.C.No.1292/2018 in WP No.90/2014, dated: 11.06.2018 filed by Sri D.Rama Das, Special Grade Wireless Operator (Retired).

(P.T.O)

7. Government after careful examination of the matter, hereby accord permission to the Chief Engineer, Kurnool to draw and disburse the arrears of pay & allowances amounting to Rs.19,108/- (Rupees nineteen thousand one hundred and eight only) to Sri D.Ramadas, Spl.Grade Wireless Operator (Retired), so as to comply with the orders of Hon'ble AP High Court, dated: 06.02.2018 in WP No.90/2014 and further orders dated: 11.06.2018 in CC No.1292/2018 in WP No.90/2014, and to avoid further legal complications.

8. The Chief Engineer, Water Resources Department, Kurnool shall take necessary action, accordingly.

9. This order issues with the concurrence of the Finance (HR.III) Department vide their U.O.No. 57024/33/FMU.WR.III/2018, Dated: 13.08.2018.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Chief Engineer, Water Resources Department, Kurnool
Copy to:
The Engineer-in-Chief (IW), Water Resources Department, AP, Vijayawada
The individual through the Engineer-in-Chief (IW), Water Resources Department, AP, Vijayawada
The Superintending Engineer, Dam Maintenance Circle, NSRS Srisailam Project, Kurnool
The Finance (FMU.WR.III) Department
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER